

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

_____X

FELICIA WHITELEY, SCOTT DEFALCO and
GABRIELLE WALLS on behalf of
themselves and all others similarly situated,

Docket No. 25 Civ. 00750 (MKB) (JAM)

Plaintiffs,

- against -

CITY OF NEW YORK,

Defendant.

_____X

**DECLARATION OF ERIC ARBIZO
IN SUPPORT OF DEFENDANT'S
MOTION TO DISMISS**

I, Eric Arbizo, declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that I am over the age of 18 and that the following is true and correct:

1. I am counsel for the defendant City of New York ("Defendant") in the above-captioned action.

2. I respectfully submit this declaration in support of Defendant's Motion to Dismiss pursuant to rule 12(b) of the Federal Rules of Civil Procedure.

3. Exhibit A, attached to this declaration, is the complaint filed on January 15, 2025, in the matter of *Scott Defalco et al. v. The City of New York, et al.*, Index No. 150761/2025 (Sup. Ct., N.Y. County Jan. 17, 2025).

4. Exhibit B, attached to this declaration, is the first amended complaint filed on January 27, 2025, in the matter of *Scott Defalco et al. v. The City of New York, et al.*, Index No. 150761/2025 (Sup. Ct., N.Y. County Jan. 17, 2025).

5. Exhibit C, attached to this declaration, is the complaint filed on January 15, 2025 in the matter of *Mohamed Monasar et al. v. City of New York et al.*, Index No. 150717/2025 (Sup. Ct., N.Y. County Jan. 15, 2025).

6. Exhibit D, attached to this declaration, is the first amended complaint filed on January 21, 2025 in the matter of *Mohamed Monasar et al. v. City of New York et al.*, Index No. 150717/2025 (Sup. Ct., N.Y. County Jan. 15, 2025).

7. Exhibit E, attached to this declaration, is the Notice of Removal filed by Defendant in the matter of *Defalco et al v. City of New York et al.*, No. 1:25 Civ. 01339 (S.D.N.Y. Feb. 14, 2025), for the purpose of removing the case referenced in paragraphs 3 and 4 above to federal court.

8. Exhibit F, attached to this declaration, is the Notice of Removal filed by Defendant in the matter of *Monasar et al v. City of New York et al.*, No. 1:25 Civ. 01337 (S.D.N.Y. Feb. 14, 2025), for the purpose of removing the case referenced in paragraphs 5 and 6 above to federal court.

Dated: New York,
New York March 6, 2025



Eric Arbizo
Assistant Corporation Counsel
New York City Law Department